

**SEPTEMBER 25, 2006
SPECIAL COUNCIL MEETING
PARMA CITY COUNCIL CHAMBERS
6: 40 PM**

The Special Council Meeting was called to order by Council President Pro-Tem Sean Brennan, presiding.

COUNCIL MEMBERS PRESENT:	BRIAN DAY MARY GALINAS LARRY NAPOLI KENNETH A. RAMSER THOMAS REGAS SCOTT TUMA NICHOLAS CELEBREZZE SEAN BRENNAN
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COUNCIL MEMBER ABSENT:	ROY J. JECH
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Mrs. Young - The Roll of Council has been called, and I find a quorum of Council Members present.

The following officials and department heads were also present: Mayor Dean DePiero, Law Director Timothy G. Dobeck, Auditor Dennis M. Kish, Treasurer Anthony Zielinski, Safety Director Gregory Baeppler, Community Development Director Erik Tollerup, Mayor's Administrative Assistant Meghann McCall and Deputy Clerk I Linda Young.

NOTICE OF SPECIAL MEETING OF COUNCIL

**The State of Ohio)
Cuyahoga County) ss: Police Chief Daniel Hoffman: Greetings
City of Parma)**

WHEREAS, it appears that the public business of this City requires that the Council meet in Special Session to consider such business as may come before it, and,

WHEREAS, I have convened and do hereby convene said City Council to meet in Special Session on the **25th day of September, 2006, at 6:30 PM**, Eastern Standard time, at the Council Chamber in said City, to consider such matters as may come before it as fully and completely as might be done in regular session of said Council: -

EXECUTIVE SESSION TO DISCUSS ORDINANCE NO. 346-06 (Patrolman's Contract)

THIRD READING

Ordinance No. 262-06	- Contract for the Sidewalk Replacement Program
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SUSPENSION OF THE RULES

Ordinance No. 346-06	- Collective Bargaining Agreement for Patrolmen
Ordinance No. 349-06	- Amended Permanent Appropriations
Ordinance No. 350-06	- Transfer of Appropriations
Ordinance No. 351-06	- Post Certifications

You are therefore commanded to summon: Mayor Dean E. DePiero, Auditor Dennis M. Kish, Law Director Timothy Dobeck, Treasurer Anthony Zielinski, Safety Director Greg Baeppler, Service Director Brian Higgins, Council President Charles M. Germana, Sean Brennan, Nicholas Celebrezze, Brian Day, Mary Galinas, Roy J. Jech, Larry Napoli, Kenneth A. Ramser, Tom Regas, Scott Tuma, Council members and Tom Mastroianni, Clerk of said Council, to meet in Special Session as aforesaid for the purposes aforesaid.

Hereof fail not and have you then and there this Writ, with your return thereon in what manner you have executed the same.

/seal/

In testimony whereof, I have hereunto set my hand and caused the Corporate seal of said City to be hereunto affixed, this 21st day of September AD 2006.

/s/ Charles M. Germana
City of Parma COUNCIL PRESIDENT CHARLES M. GERMANA

**CERTIFICATE OF SERVICE
NOTICE OF SPECIAL MEETING OF COUNCIL**

I, Capt. Stephen Jedrick, Acting Chief of Police of the City of Parma, Ohio, do hereby certify that on September 22, 2006, I received the notices of a Special Meeting of Council, a copy of which is attached hereto, and that in accordance with the instructions given to me, I have served each person named in the notice with the notice either personally or by leaving a copy of such notice and the last of the persons named on the notices was served at his usual place of residence with the notice on September 22, 2006 at 5:50 PM, which date and time is more than twelve hours prior to the time of the Special Meeting.

Signed Capt. Stephen Jedrick
Acting Chief of Police,
City of Parma, Ohio.

DISPENSE WITH THE REGULAR ORDER OF BUSINESS

Motion made by Councilman Day, seconded by Councilwoman Galinas to dispense with the regular order of business and to waive the Rules of Council at this time in order to hold this Special Council Meeting. Motion carried.

THIRD READING:

ORDINANCE NO. 262-06 8/7/06 L-262-06
BY: S.M. TUMA, S. BRENNAN, L. NAPOLI, B. DAY, M. GALINAS
(By Request – Community Development Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO IMPLEMENT THE ANNUAL SIDEWALK REPLACEMENT PROGRAM AND TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR REPLACEMENT OF ALL DESIGNATED BLIGHTED AND DANGEROUS SECTIONS OF PUBLIC SIDEWALK IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to amend Ordinance No. 262-06 by inserting in the blanks in Section 1 "F.P. Allega" and "not to exceed \$99,657.50". In Section 3, insert in the blanks in the following order: "15,185" square feet, "1,000" square feet, "16,185" square feet, and "and 16 handicap ramps.". Further moved to waive Rule 51 and place amended Ordinance No. 262-06 on Third Reading for passage. Motion carried.

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt amended Ordinance No. 262-06.

Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No : None; Amended Ordinance No. 262-06 is adopted.

EXECUTIVE SESSION

Motion made by Councilman Day, seconded by Councilwoman Galinas to go into Executive Session to discuss Ordinance No. 346-06.

Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No : None; City Council went into Executive Session.

LEGISLATIVE COMMENT

Mr. Brennan asked if there was anyone present who wanted to comment on any of the legislation up for passage for the evening meeting. Several people came forward to speak.

Moinett Shevoichzo, 7516 Malibu Drive – She is here on behalf of her husband, Richard Schetzcho, he is a retired detective from the City. Several months ago it was brought to our attention that contract negotiations were being held and retiree benefits were being discussed. At that time we brought it to the union reps attention that they were not authorized nor empowered to negotiate for anyone who is currently retired. All current retired City workers eligible for the retiree reimbursement plan are vested and are not held to a collective bargaining practices. I base my statement on a ruling made in 1993 by then Law Director Christopher Boyko, now Federal Judge Boyko. In a case ruling signed Judge Patricia Cleary dated October 23, 1995, even the fact finder for the City firefighters, Terry Graham, was intelligent to recognize that he did not have jurisdiction over the existing retirees and recommended that the health plan be terminated for current employees only. The City via Gary Johnson, stated in the current negotiations with the Police Union that if the reps did not agree to the current contract and referenced to the retirees employment reimbursement plan, that he would see to it that the City would not agree to any part of the contract in order to drag negotiations out for an indefinite time. The current patrolman's contract is not even ratified yet and the City has already put into force the cap and retro deductions to July 1st, 2006. If the City is so interested in saving money, why would you (1) allow the negotiate of more officers to retiring in the future to join the program (2) think that you could eliminate the current retired police officers and not do the same to the other departments, for example firefighters, service garage employees (3) not send a letter to current retirees and hold a meeting to discuss the current financial needs of the City. I do not have time tonight to give you all the details, but with in the next few years, barring any more current employees from joining the plan, the City would eventually see the end, once and for all, of the program. I urge you, and I didn't know that you had the Executive Session, I urge you to ratify the current Police contract before you with the exception of Article 24.05, anything related to the current retiree plan, and rewrite appendix C leaving out the statement "this paragraph expires December 31, 2006". These currently employed officers have been working long enough without a contract. Thank you.

Joe Bystricky, 4799 Coral Gables Drive – He is a retired Captain of the Parma Police Department. He understands that the contract with the Supervisors is still being discussed. One of the reasons he is there is to agree with Moinett, that what you are attempting to do, in his opinion is wrong. This has a long history dating back to 1986. The City has requested Law Dept. opinions. They have gone to court. Everything has ruled that retirees are vested under the contracts that they did back when they retired. No higher court has ruled to the contrary. The rulings and he has copies, current Judge Boyko, who was the Law Director made a ruling in 1993, that the OPBA and the City cannot negotiate in a contract with active police officers regarding retiree health benefits. You can, negotiate individually with the retiree. If Council, the Mayor, the City so wishes to do this. Judge Cleary issued a Court Order, a ruling that says we are vested, that similar to Judge Boyko, you can negotiate individually with them, but not actively. What he means by that is that the active members cannot negotiate for the retirees. The only thing he could ask is that if it has not done already, that maybe Council could have the current Law Department

issue a ruling and opinion on this. He doesn't know how they would rule. The only thing he can say is that we do have a very distinguished Law Department. Maybe we should use them and get an opinion before you go ahead and sign a contract. He thanked everyone for their time.

Councilman Brennan – Stated that the contract under discussion was negotiated in good faith between the Administration and the bargaining unit. This is a settlement that was recommended by a State appointed fact finder and it was ratified between the City and the OPBA Union, those who represent the police officers. City Council does not have the authority to amend this agreement and they do not have the authority to over turn the decision in any way. Our vote here tonight is simply to authorize the Mayor to sign the contract. It is not a ratification vote.

Law Director Dobeck – In their Executive Session Gary Johnson was there who did the negotiating on behalf of the City and he thinks it is important to point out that if Council chooses to act or not act tonight, the agreement will go into effect. The simple reason for that is because it was the subject of fact finding. Fact finding was in July so the time to act for the City if Council had objections to the fact finding, was right after the release of that opinion back in July. There was either no action or objections by the City is enough to trigger that, so in essence the contract is agreed by the parties as set forth by the State appointed fact finder.

SUSPENSION OF THE RULES:

Mr. Brennan – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 346-06, Ordinance No. 349-06, Ordinance No. 350-06 and Resolution No. 351-06 on three different days be dispensed with?

Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No: None; Motion carried.

Mr. Brennan – Shall Rule 44 requiring reference to committee be dispensed with and Ordinance No. 346-06, Ordinance No. 349-06, Ordinance No. 350-06 and Resolution No. 351-06 be placed on final passage?

Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze

No: None; Motion carried.

BY: M. GALINAS (By Request – Safety Director)	ORDINANCE NO. 346-06	9/18/06	L-346-06
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AN ORDINANCE APPROVING THE RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PARMA AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION REPRESENTING THE PATROLMEN, FOR THE PERIOD OF APRIL 1, 2005, THROUGH MARCH 31, 2008, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No. 346-06.

Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.

No : None; Ordinance No. 346-06 is adopted.

BY: S.M. TUMA (By Request – Auditor)	ORDINANCE NO. 349-06	9/25/06	L-350-06
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AN ORDINANCE TO AMEND THE 2006 PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, OHIO, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No. 349-06.

Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.
No : None; Ordinance No. 349-06 is adopted.

ORDINANCE NO. 350-06	9/25/06	L-351-06
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BY: S.M. TUMA
(By Request – Auditor)

AN ORDINANCE AUTHORIZING THE TRANSFER OF APROPRIATIONS WITHIN THE 2006
PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No. 350-06.
Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.
No : None; Ordinance No. 350-06 is adopted.

RESOLUTION NO. 351-06	9/25/06	L-352-06
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BY: S.M. TUMA
(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST CERTIFICATION OF
REQUISITIONS AS DETAILED IN EXHIBIT "A" AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No. 351-06.
Yes: Day, Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze.
No : None; Ordinance No. 351-06 is adopted.

REPORT ON ABSENT MEMBERS

Motion made by Councilman Tuma, seconded by Councilman Day to excuse President of Council Charles Germana and Councilman Roy J. Jech. Motion carried.

ADJOURNMENT

Motion made by Councilman Day, seconded by Councilman Brennan to adjourn said Special Council Meeting at 7:35 PM. Motion carried.

CERTIFICATION

I, Tom Mastroianni, Clerk of Council for the City of Parma, Ohio, do hereby certify this as a true and correct copy of the Minutes of the Special Council Meeting held on September 25, 2006. Motion carried.

TOM MASTROIANNI
CLERK OF COUNCIL

SEAN P. BRENNAN
PRESIDENT OF COUNCIL PRO TEM

Minutes were completed on 9/28/06 lly

